

EMPLOYEE BILL OF RIGHTS

In section 9902 of title 5, United States Code (as contained in section 1111 of the bill), insert after subsection (b) a new subsection (c) (and make all necessary technical and conforming changes).

Also strike 9902(f)(2)(D) (and make all necessary technical and conforming changes).

(c) Employee bill of rights –

(1) It is the sense of Congress that –

- a. the Department of Defense should have flexibilities in personnel decisions, including pay and promotion, in order to provide the strongest possible national defense; and
- b. the Department of Defense should protect fundamental civil service protections of civilian employees at the Department.

(2) Civil service protections

- a. An employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal. Such right includes the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees;
- b. The right of an employee to receive a veterans preference in hiring and a reduction in force, as in effect on the date of enactment of this subsection, shall not be abridged;
- c. An employee shall have the right to be free from favoritism or discrimination in connection with hiring, tenure, promotion, or other conditions of employment due to the employee's political opinion or affiliation;
- d. An employee against whom removal or suspension for more than 14 days is proposed shall have a right to –
 - i. reasonable advance notice stating specific reasons for the proposed action, unless there is reasonable cause to believe that such employee has committed a crime or immediate action is necessary in the interests of national security;
 - ii. reasonable time to answer orally or in writing; and

- iii. representation by an attorney or other representative;
- e. An employee shall have a right to appeal actions involving alleged discrimination to the Equal Employment Opportunity Commission;
- f. An employee shall have a right to back pay and attorney fees if the employee is the prevailing party in an appeal of a removal or suspension;
- g. The Secretary shall not refuse to bargain in good faith with a labor organization, except as provided in section 9902(f) (relating to bargaining at the national rather than local level), and shall submit negotiation impasses to an impartial panel or an alternative dispute resolution procedure agreed upon by the parties; and
- h. An employee shall have the right to full and fair compensation for overtime, other time worked that is not part of a regular workweek schedule, and pay for hazardous work assignments.